

109TH CONGRESS
1ST SESSION

S. 291

To require the withholding of United States contributions to the United Nations until the President certifies that the United Nations is cooperating in the investigation of the United Nations Oil-for-Food Program.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 3, 2005

Mr. ENSIGN (for himself, Mr. CHAMBLISS, Mr. CORNYN, Mr. KYL, Mr. SANTORUM, Mr. ALLARD, Mr. GRAHAM, Mr. SMITH, and Mr. CRAPO) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To require the withholding of United States contributions to the United Nations until the President certifies that the United Nations is cooperating in the investigation of the United Nations Oil-for-Food Program.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “United Nations Oil-
5 for-Food Accountability Act of 2005”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1 (1) There have been allegations of substantial
2 fraud and corruption in the administration and man-
3 agement of the oil-for-food program.

4 (2) The United Nations received 2.2 percent of
5 the proceeds of the sale of the oil exported from Iraq
6 under the oil-for-food program, approximately
7 \$1,400,000,000, to fund the programs administra-
8 tive and operational costs.

9 (3) The Permanent Subcommittee on Investiga-
10 tions of the Committee on Homeland Security and
11 Governmental Affairs of the Senate estimates that
12 during the period from 1991 through 2002, the
13 former Iraqi regime received \$21,300,000,000 in il-
14 legal revenues from the oil-for-food program, includ-
15 ing \$13,600,000,000 received from oil smuggled out
16 of Iraq, \$4,400,000,000 received from kickbacks on
17 humanitarian goods, and \$644,000,000 received
18 from surcharges on oil purchases and investment of
19 illicit revenues.

20 (4) Any illicit activity by United Nations offi-
21 cials, personnel, agents, or contractors, including en-
22 tities that have entered into contracts under the oil-
23 for-food program, is unacceptable and must be thor-
24 oughly investigated.

1 (5) Documents in the files of the former Iraqi
2 Oil Ministry indicate that Benon Sevan, the Execu-
3 tive Director of the oil-for-food program, and other
4 senior United Nations officials may be connected to
5 a kickback scheme in which some 270 prominent
6 foreign officials, business people, and political enti-
7 ties received the right to trade in Iraqi oil at below
8 market prices.

9 (6) On January 18, 2005, Samir A. Vincent,
10 who was acting as an unregistered Iraqi agent, be-
11 came the first person convicted in the oil-for-food
12 scandal.

13 (7) On April 21, 2004, the United Nations Se-
14 curity Council adopted Resolution 1538 that estab-
15 lished a high-level inquiry into allegations regarding
16 the administration of the oil-for-food program. The
17 inquiry is led by Mr. Paul Volcker and the investiga-
18 tors carrying out the inquiry do not have subpoena
19 powers.

20 (8) The ability and credibility of the United Na-
21 tions Security Council to act in matters of war and
22 peace is threatened due to the alleged influence of
23 permanent member states' politically connected indi-
24 viduals, companies, and institutions who received
25 Iraqi oil contracts.

1 (9) The ability of the United Nations to convey
2 legitimacy to the new Government of Iraq and assist
3 in postwar Iraq is hampered by the allegations of
4 United Nations corruption and mismanagement of
5 the oil-for-food program.

6 **SEC. 3. OIL-FOR-FOOD PROGRAM DEFINED.**

7 In this Act, the term “oil-for-food program” means
8 the program to permit the sale of petroleum products ex-
9 ported from Iraq and to use the revenue generated from
10 such sale for humanitarian assistance established and ad-
11 ministered pursuant to United Nations Security Council
12 Resolution 986 (April 14, 1995) and subsequent United
13 Nations resolutions.

14 **SEC. 4. PAYMENT OF CERTAIN CONTRIBUTIONS CONTIN-**
15 **GUOUS UPON UNITED NATIONS COOPERATION.**

16 (a) WITHHOLDING OF PORTION OF ASSESSED CON-
17 TRIBUTIONS.—Until the President submits the certifi-
18 cation under subsection (b), amounts shall be withheld
19 from amounts appropriated for contributions to inter-
20 national organizations as follows:

21 (1) FISCAL YEAR 2006 ASSESSED CONTRIBU-
22 TIONS FOR UNITED NATIONS REGULAR BUDGET.—
23 Of the funds appropriated for contributions to inter-
24 national organizations in an Act making appropria-
25 tions for fiscal year 2006, 10 percent of the amount

1 available for United States assessed contributions to
2 the regular budget of the United Nations for such
3 fiscal year.

4 (2) FISCAL YEAR 2007 ASSESSED CONTRIBU-
5 TIONS FOR UNITED NATIONS REGULAR BUDGET.—

6 Of the funds appropriated for contributions to inter-
7 national organizations in an Act making appropria-
8 tions for fiscal year 2007, 20 percent of the amount
9 available for United States assessed contributions to
10 the regular budget of the United Nations for such
11 fiscal year.

12 (b) CERTIFICATION.—The certification referred to in
13 subsection (a) is a certification made by the President to
14 Congress that—

15 (1) the United Nations has in effect procedures
16 that provide the Government Accountability Office
17 access to all documents relating to the oil-for-food
18 program so that the Comptroller General of the
19 United States may perform nationally mandated re-
20 views of United Nations operations;

21 (2) the United Nations Secretary General has
22 formally confirmed that the United Nations will not
23 assert the inviolability of United Nations papers and
24 internal records that concern the oil-for-food pro-

1 gram or a sanction imposed on Iraq related to the
2 oil-for-food program;

3 (3) the United Nations has authorized the re-
4 lease, upon request, to the law enforcement authori-
5 ties of any member state of the United Nations au-
6 thentic copies of any document, including any docu-
7 ment in the custody of a person that was engaged
8 on a contract basis to provide goods or services to
9 the United Nations, that in the judgment of the re-
10 requesting authority directly or indirectly concerns the
11 oil-for-food program or a sanction imposed on Iraq
12 related to the oil-for-food program;

13 (4) the United Nations has waived any immu-
14 nity enjoyed by any United Nations official from the
15 judicial process in the United States for any civil or
16 criminal acts or omissions under United States Fed-
17 eral or State law in connection with the oil-for-food
18 program; and

19 (5) any United Nations official who received
20 improper financial benefits from the oil-for-food pro-
21 gram has reimbursed the Government of Iraq for the
22 full amount, including interest on such amount, that
23 such official improperly received.

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